

Unlicensed Structural Pest Control Activity Looking For The Bad Guys

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How Unlicensed Activity Is Viewed

Consumers

- Don't normally concern themselves with whether a company is unlicensed until unprofessional conduct arises
- Don't normally checkout companies prior to contracting for services
- Assume all companies are licensed

CAC's and the SPCB

- Individual is unqualified
- Has not met minimum standards
- A threat to health and safety
- Has broken the law



Structural Pest Control Industry

- Unqualified Persons
- Unfair Competition



Unlicensed Activity

Unlicensed activity cases are now being pursued at the board level (non-pesticide related activities) and the CAC level (pesticide use situations).



Authority

- B&P Code section 8616.5(a):
 - CAC shall be the lead agency for inspections and routine investigations of pesticide use by the board licensees and registered companies, and of persons engaged in unlicensed structural pest control...



CAC Enforcement Authority

- B&P Code section 8617:
 - SPCB or CAC, when acting pursuant to Section 8616.4, may suspend the right of a structural pest control licensee or registered company to work in a county for up to three working days or, for a licensee, registered company, or an unlicensed individual acting as a licensee, may levy and administrative fine up to one thousand dollars (\$1000) for each violation...



Exemptions to SPCB Licensure

B&P Code § 8555:

- Public Utilities
- Agricultural Pest Control Work
- Pesticide Applications By Homeowners
- Government Agencies
- Research; education, state, or federal
- Certified Architects and Registered Civil Engineers (Branch 3)
- Persons engaged in live capture or removal*



Exemption to the Exemptions

8555(g)

- Mice
- Rats
- Pigeons



Unlicensed Activity Starting Points

- Actual observation of unlicensed activity
- Advertisement in the field, flyers, business cards and service invoices
- Public complaints regarding pesticide application
- Pesticide Use Reports by non-structural licensees indicating structural pesticide use



Gathering Evidence

- Pictures of trucks and equipment
- Pictures of actual application if possible
- Pictures of pesticides and containers
- Declarations of property owners
- Declarations of unlicensed person
- Invoices or service slips
- Flyers or business cards



CAC Options

- Issue a Notice of Violation and assess a Structural Civil Penalty
- Take case to the local jurisdiction
- Refer the case to the SPCB for action



SPCB Assistance

- Certified license histories
- Specialist assistance
- Interagency cooperation with District Attorney offices
- Interim Suspension Order assistance by the Attorney General in cases of health and safety concerns



Questions
